

# Montana State Legislature

## **2013 Session**

### **ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:**

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
  - \* **Petitions if any.**
  - \* **Any and all material handed end after the meeting ends.**

**The original is on file at the  
Montana Historical Society  
and may be viewed there.**

**Montana Historical Society  
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2013 Legislative Scanner Susie Hamilton**

**BUSINESS REPORT**  
**MONTANA SENATE**  
**63rd LEGISLATURE - REGULAR SESSION**  
**SENATE STATE ADMINISTRATION COMMITTEE**

**Date:** Wednesday, April 3, 2013  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 335

**BILLS and RESOLUTIONS HEARD:**

HJ 17 - Study resolution on state pay plans - Rep. Steve Gibson

**EXECUTIVE ACTION TAKEN:**

HJ 17 - Be Concurred In (carried by Sen. Sales)

HB 54 - Be Concurred in as Amended (carried by Sen. Arthun)

HB 64 - Be Concurred In (carried by Sen. Blewett)

HB 120 - Be Concurred in as Amended (carried by Sen. Jent)

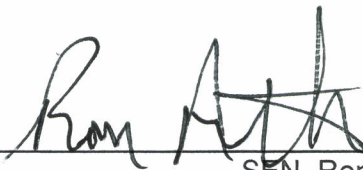
HB 126 - Be Concurred In (carried by Sen. Jent)

HB 265 - Be Concurred in as Amended (carried by Sen. Arthun)

HB 457 - Tabled

HB 560 - Be Concurred in as Amended (carried by Sen. Van Dyk)

**Comments:**

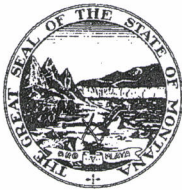
  
\_\_\_\_\_  
SEN. Ron Arthun, Chair

MONTANA STATE SENATE  
ROLL CALL  
STATE ADMINISTRATION  
COMMITTEE

DATE: April 3, 2013

| NAME             | PRESENT | ABSENT/<br>EXCUSED |
|------------------|---------|--------------------|
| Chairman Arthun  | X       |                    |
| Vice Chair Brown | X       |                    |
| Senator Blewett  | X       |                    |
| Senator Jent     | X       |                    |
| Senator Sales    | X       |                    |
| Senator Van Dyk  |         | X                  |
| Senator Webb     |         | X                  |
|                  |         |                    |

7 Committee Members



## SENATE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Joint Resolution 17**

(third reading copy -- blue) **be concurred in.**

Signed:

*Dee Brown*  
Senator Ron Arthun, Chair

To be carried by Senator Scott Sales

- END -

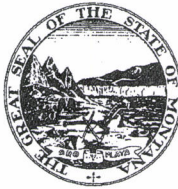
**Committee Vote:**

**Yes 6, No 0**

Fiscal Note Required ☐

HJ0017001SC12926.swr





## SENATE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 4

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 54** (third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Ron Arthun*  
Senator Ron Arthun, Chair

To be carried by Senator Ron Arthun

**And, that such amendments read:**

1. Page 14.

**Following:** line 21

**Insert:** "COORDINATION SECTION. **Section 12. Coordination instruction.** If House Bill No. 78 and [this act] are both passed and approved and if both contain sections amending 19-20-733, then the sections amending 19-20-733 are void and 19-20-733 must be amended as follows:

**"19-20-733. Resumption of employment by retired member -- suspension of benefits.** ~~(1)~~ [Except as provided in 19-20-732, and] subject to [section 2 of House Bill No. 78], the following provisions apply:

(1) if If a retired member returns to employment in a position covered by the retirement system and becomes an active contributing member, benefits must be suspended until the member terminates all employment and applies to have benefits reinstated.

~~(2) Except as provided in subsection (4), upon~~ Upon termination and retirement of a previously retired member who was reinstated to active membership pursuant to 19-20-731 before July 1, 2009:

(a) if the member earned less than 1 year of creditable service, the original benefit and retirement option that the member was receiving at the time of suspension of benefits must be reinstated beginning either the first of the month following termination or on July 1 following the date on which the retired

**Committee Vote:**

**Yes 6, No 0**

Fiscal Note Required ☐

member was reemployed, whichever is later; or

(b) if the member earned 1 year or more of creditable service, retirement benefits must be recalculated under 19-20-804 if the member would qualify for a service retirement benefit under 19-20-801 or under 19-20-802 if the member is eligible for early retirement. The recalculated benefit must include the service credit accumulated at the time of the member's previous retirement, plus any service credit accumulated subsequent to reemployment. The recalculated benefit amount must be increased by the amount of any benefit enhancement received pursuant to 19-20-719 that the retired member was receiving when the member's benefits were suspended.

(3) (a) Except as provided in subsection ~~(4)~~ (3)(c), upon the subsequent retirement of a formerly retired member who was reinstated to active membership pursuant to 19-20-731 on or after July 1, 2009, and earned:

(i) at least 3 years of membership service following suspension of benefits, the member is entitled to resume receiving the suspended benefit in accordance with the retirement benefit option and joint annuitant previously selected, plus an additional benefit based upon the new creditable service and compensation earned. The second benefit must be calculated as provided under 19-20-804 if the member is eligible for a service retirement benefit or under 19-20-802 if the member is eligible for early retirement. The second benefit must be paid under the same retirement benefit option and with the same joint annuitant originally elected.

(ii) less than 3 years of membership service following suspension of benefits, the member is entitled to resume receiving the suspended benefit in accordance with the retirement benefit option previously selected, plus a refund of the employee contributions contributed after the member was reinstated to active service, plus interest.

(b) If a member dies during the period of reemployment following an initial retirement, the member must be considered as retiring on the day preceding the date of death and benefits must be determined according to the following:

(i) If the member elected the normal form benefit prior to reemployment, the member's designated beneficiary must receive an amount equal to the member's accumulated contributions on deposit.

(ii) If the member elected a retirement option pursuant to 19-20-702 prior to reemployment, the benefits due are payable in accordance with the terms of the original option elected and ~~this subsection (3).~~

~~(4) If a retired member who has not attained normal retirement age is reemployed with the same employer within 30 days from the member's effective date of retirement or if that member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any~~



~~retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be canceled.~~

(c) If the joint annuitant nominated prior to the member's reemployment under retirement option A, B, or C dies prior to the member reretiring, the member will be given the option to select either the normal form retirement benefit or a retirement option as provided in 19-20-702. (Bracketed language terminates June 30, 2015--sec. 5, Ch. 129, L. 2009.)"

**Insert:** "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 377 and [this act] are both passed and approved and if both contain sections amending 19-20-801, then the sections amending 19-20-801 are void and 19-20-801 must be amended as follows:

"19-20-801. Eligibility for service retirement. (1) A tier one member who is eligible to receive a service retirement allowance calculated under 19-20-804(1) if the member:

(a) has been credited with at least 5 full years of creditable service and who has attained the age of 60; or

(b) has been credited with full-time or part-time creditable service in 25 or more years may retire from service if the member has.

(2) Except as provided in subsection (3), a tier two member is eligible to receive a service retirement allowance calculated under 19-20-804(1) if the member:

(a) has been credited with at least 5 full years of creditable service and has attained the age of 60; or

(b) has been credited with full-time or part-time creditable service in 30 or more years and has attained the age of 55.

(3) A tier two member who has been credited with 30 or more years of creditable service and has attained the age of 60 is eligible for a professional retirement option allowance calculated under 19-20-804(2).

(4) To receive a retirement allowance under 19-20-804, the member must have terminated employment in all positions from which the member is eligible to retire and files reportable to the retirement system and must file a written application with the retirement board a written application.

(5) A vested member who has attained normal retirement age has a nonforfeitable right to the benefits accrued and payable under the provisions of this chapter, subject to the member's right to withdraw the member's accumulated contributions under 19-20-603."

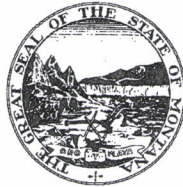
**Insert:** "COORDINATION SECTION. Section 14. Coordination

instruction. If House Bill No. 377 is passed and approved and if includes a section amending 19-20-802, then [section 7 of this act] amending 19-20-802 is void."

**Renumber:** subsequent section

- END -





## SENATE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 64** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Ron Arthun*  
Senator Ron Arthun, Chair

To be carried by Senator Anders Blewett

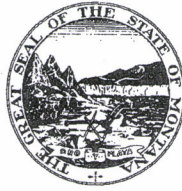
- END -

**Committee Vote:**

**Yes 6, No 0**

Fiscal Note Required ☐

HB0064001SC13620.swr



## SENATE STANDING COMMITTEE REPORT

April 3, 2013  
Page 1 of 3

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 120** (third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Lee Brown*  
Senator Ron Arthun, Chair

To be carried by Senator Larry Jent

**And, that such amendments read:**

1. Page 24, line 23.

**Strike:** "13-13-211(3)"

**Insert:** "13-13-201(3)"

2. Page 24, line 30.

**Following:** "elections."

**Insert:** "The address confirmation form must request the elector's driver's license number or the last four digits of the elector's social security number."

3. Page 25, line 3.

**Following:** "sent,"

**Insert:** "provide the elector's driver's license number or the last four digits of the elector's social security number,"

4. Page 47.

**Following:** line 22

**Insert:** "COORDINATION SECTION. **Section 63. Coordination**

**instruction.** If both House Bill No. 126 and [this act] are passed and approved and if both contain sections amending 13-10-209, then the sections amending 13-10-209 are void and 13-10-209 must be amended as follows:

**"13-10-209. Arrangement and preparing of primary ballots.**

(1) (a) Ballots for a primary election must be arranged and

**Committee Vote:**

**Yes 4, No 3**

Fiscal Note Required \_\_\_\_

prepared in the same manner and number as provided in chapter 12 for general election ballots, except that there must be separate ballots for each political party entitled to participate. The name of the political party must appear at the top of the separate ballot for that party and need not appear ~~opposite~~ with each candidate's name.

(b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on the same ballot as partisan offices if:

- (i) each section is clearly identified as separate; and
- (ii) the nonpartisan offices and ballot issues appear on each party's ballot; and
- (iii) ~~with respect to ballot issues, written approval is obtained as provided in~~ ballot issues are prepared in accordance with 13-27-502.

(2) ~~An~~ Except as provided in subsection (3), an election administrator does not need to prepare a primary ballot for a political party if:

- (a) the party does not have candidates for more than half of the offices to appear on the ballot; ~~or~~ and
- (b) no more than one candidate files for nomination by that party for any of the offices to appear on the ballot.

(3) Subsection (2) does not apply to elections for precinct committee offices. If more than one candidate files for a precinct committee office from a party that will not have a primary ballot prepared, that party shall select the candidate to fill the office.

~~(3)(4)~~ (4) If, pursuant to subsection (2), in a primary election held under 13-1-107(1) a primary ballot for a political party is not prepared, the secretary of state shall certify that a primary election is unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for that party for the general election ballot only.

~~(4)(5)~~ (5) The separate ballots for each party must have the same appearance. Each set of party ballots must bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different appearance than the party ballots but must be numbered in the same order as the party ballots.

~~(5)(6)~~ (6) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or a separate ballot. A separate ballot may have a different appearance than the other ballots in the election but must be numbered in the same order.

~~(6)(7)~~ (7) Each elector must receive a set of ballots that includes the party, nonpartisan, and ballot issue choices."

**Insert:** "COORDINATION SECTION. Section 64. Coordination instruction. If either House Bill No. 30 or Senate Bill No. 405, or both, and [this act] are passed and approved, then [section 12 of this act] amending 13-2-304 is void."

**Renumber:** subsequent section

- END -





## SENATE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 126** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Dee Brown*  
Senator Ron Arthun, Chair

To be carried by Senator Larry Jent

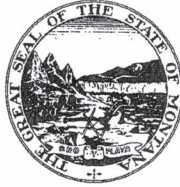
- END -

**Committee Vote:**

**Yes 4, No 3**

Fiscal Note Required \_\_\_\_

HB0126001SC13542.swr



## SENATE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 265** (third reading copy -- blue) **be concurred in as amended.**

Signed:

*Dee Brown*  
Senator Ron Arthun, Chair

To be carried by Senator Ron Arthun

**And, that such amendments read:**

1. Page 6.

**Following:** line 12

**Insert:** "COORDINATION SECTION. **Section 6. Coordination instruction.** (1) If both Senate Bill No. 375 and [this act] are passed and approved and if both contain a section that amends 13-37-216, then the section of [this act] amending 13-37-216 is void.

(2) If both House Bill No. 229 and [this act] are passed and approved and if both contain a section that amends 13-37-216, then the section of House Bill No. 229 that amends 13-37-216 is void."

**Insert:** "COORDINATION SECTION. **Section 7. Coordination instruction.** If both Senate Bill No. 375 and [this act] are passed and approved and if both contain a section that amends 13-37-226, then the section of [this act] amending 13-37-226 is void."

**Insert:** "COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 375 and [this act] are passed and approved and if both contain a section that amends 13-37-229, then the section of [this act] amending 13-37-229 is void."

- END -

**Committee Vote:**

**Yes 5, No 2**

Fiscal Note Required ☐

HB0265001SC12549.swr

## BILL TABLED NOTICE

### SENATE STATE ADMINISTRATION COMMITTEE

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED

**HB 457 - Providing for school district recount boards for school elections**  
**Rep. Jean Price** by 5/2 motion on **Wednesday, April 3, 2013.**

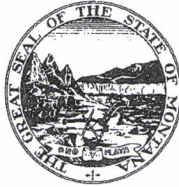
Julie Emge  
(For the Committee)

Polanus  
(For the Secretary of the Senate)  
9:10, 4/4  
(Time) (Date)

April 3, 2013 (6:57pm)

Julie Emge, Secretary

Phone: 444-4751  
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## SENATE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 560** (third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Lee Brown*  
Senator Ron Arthun, Chair

To be carried by Senator Kendall Van Dyk

**And, that such amendments read:**

1. Page 4, line 2 and line 3.

**Following:** "branch" on line 2

**Strike:** ", who" on line 2 through "council" on line 3

- END -

**Committee Vote:**

**Yes 6, No 1**

Fiscal Note Required \_\_\_\_

HB0560001SC13801.swr



MONTANA STATE SENATE  
Roll Call Vote  
STATE ADMINISTRATION COMMITTEE

DATE 4.3.2013 BILL NO. HB 120 MOTION NO. \_\_\_\_\_  
MOTION: Be Concurred In As Amended  
Motion Carried.

| NAME                | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN |     | X  |  |
| SENATOR BLEWETT     | X   |    |  |
| SENATOR JENT        | X   |    |  |
| SENATOR SALES       |     | X  |  |
| SENATOR VAN DYK     | X   |    |  |
| SENATOR WEBB        |     | X  | X  |
| CHAIRMAN ARTHUN     | X   |    |  |
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7 Committee Members

MONTANA STATE SENATE  
Roll Call Vote  
STATE ADMINISTRATION COMMITTEE

DATE 4.3.13 BILL NO HB 265 MOTION NO. Amendment HB026503.ASC - Motion Failed

| <u>NAME</u>         | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN |     | X  |  |
| SENATOR BLEWETT     |     | X  |  |
| SENATOR JENT        |     | X  |  |
| SENATOR SALES       |     | X  |  |
| SENATOR VAN DYK     |     | X  |  |
| SENATOR WEBB        |     | X  | X  |
| CHAIRMAN ARTHUN     |     | X  |  |
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7 Committee Members

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**STATE ADMINISTRATION COMMITTEE**

DATE 4.3.13 BILL NO HB 265 MOTION NO. \_\_\_\_\_  
 MOTION: Table - Motion Failed.

| <u>NAME</u>         | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN |     | X  |  |
| SENATOR BLEWETT     | X   |    |  |
| SENATOR JENT        |     | X  |  |
| SENATOR SALES       |     | X  |  |
| SENATOR VAN DYK     | X   |    |  |
| SENATOR WEBB        |     | X  | X  |
| CHAIRMAN ARTHUN     |     | X  |  |
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7 Committee Members



MONTANA STATE SENATE  
Roll Call Vote  
STATE ADMINISTRATION COMMITTEE

DATE 4.3.13 BILL NO HB 265 MOTION NO. \_\_\_\_\_  
MOTION: Be Concurred In As Amended  
Motion carries

| NAME                | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN | X   |    |  |
| SENATOR BLEWETT     |     | X  |  |
| SENATOR JENT        | X   |    |  |
| SENATOR SALES       | X   |    |  |
| SENATOR VAN DYK     |     | X  |  |
| SENATOR WEBB        | X   |    | X  |
| CHAIRMAN ARTHUN     | X   |    |  |
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7 Committee Members



MONTANA STATE SENATE  
Roll Call Vote  
STATE ADMINISTRATION COMMITTEE

DATE 4.3.13 BILL NO HB 457 MOTION NO.   
MOTION: Be Amended HB 457. ASC - Motion Failed.

| NAME                | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN | X   |    |  |
| SENATOR BLEWETT     |     | X  |  |
| SENATOR JENT        |     | X  |  |
| SENATOR SALES       | X   |    |  |
| SENATOR VAN DYK     |     | X  |  |
| SENATOR WEBB        | X   |    | X  |
| CHAIRMAN ARTHUN     |     | X  |  |
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7 Committee Members

MONTANA STATE SENATE  
Roll Call Vote  
STATE ADMINISTRATION COMMITTEE

DATE 4.3.13 BILL NO HB 126 MOTION NO. \_\_\_\_\_  
MOTION: Reconsider Action Taken and Remove  
From Table. Motion Carries.

| NAME                | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN |     | X  |  |
| SENATOR BLEWETT     | X   |    |  |
| SENATOR JENT        | X   |    |  |
| SENATOR SALES       |     | X  |  |
| SENATOR VAN DYK     | X   |    |  |
| SENATOR WEBB        |     | X  | X  |
| CHAIRMAN ARTHUN     | X   |    |  |
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7 Committee Members

MONTANA STATE SENATE  
Roll Call Vote  
STATE ADMINISTRATION COMMITTEE

DATE 4.3.13 BILL NO HB126 MOTION NO. \_\_\_\_\_  
MOTION: Be Concurred In - Motion Carries

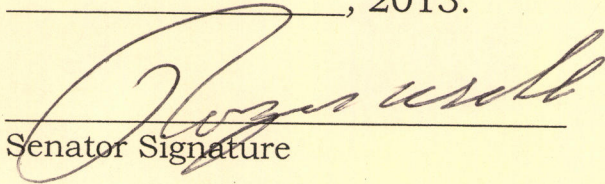
| NAME                | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------|-----|----|--|
| VICE CHAIRMAN BROWN |     | X  |  |
| SENATOR BLEWETT     | X   |    |  |
| SENATOR JENT        | X   |    |  |
| SENATOR SALES       |     | X  |  |
| SENATOR VAN DYK     | X   |    |  |
| SENATOR WEBB        |     | X  | X  |
| CHAIRMAN ARTHUN     | X   |    |  |
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7 Committee Members



# SENATE PROXY

I, Senator Roger Webb, hereby authorize Senator Dee Brown to vote my proxy before the Senate State Administration Committee meeting held on \_\_\_\_\_, 2013.

  
\_\_\_\_\_  
Senator Signature

4/3/13  
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

| Bill No./Amendment No. | Aye | No |
|------------------------|-----|----|
| HB 120 as amended      |     | X  |
| HB 126 table           | X   |    |
| amend. HB 265 #3       |     | X  |
| HB 265 as amended      |     |    |
| " table                |     | X  |
| HB 265 as amended      | X   |    |
| HB 457 amend. 45701ASC | X   |    |
| HB 457 table           | X   |    |
| HB 560 amend #56001    | X   |    |
| HB 560                 | X   |    |
| HB 126 reconsider      |     | X  |
| HB 126 do pass         |     | X  |
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**MONTANA STATE SENATE**

**SENATE STATE ADMINISTRATION COMMITTEE**

**HJ 17 - Study resolution on state pay plans**

**Wednesday, April 3, 2013**  
**HJ 17 - Study resolution on state pay plans**  
**Sponsor: Rep. Steve Gibson**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**